



2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

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Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

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2015 Legislative

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BUSINESS REPORT
MONTANA SENATE
64th LEGISLATURE - REGULAR SESSION
SENATE LOCAL GOVERNMENT COMMITTEE

Date: Monday, March 9, 2015
Place: Capitol

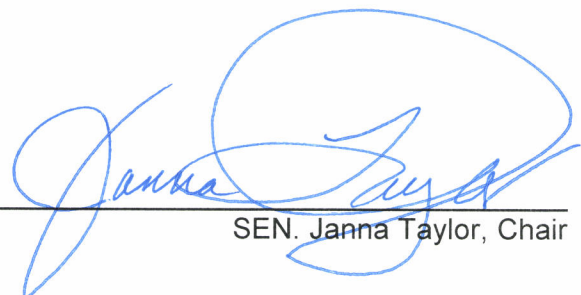
Time: 3:00 PM
Room: 405

BILLS and RESOLUTIONS HEARD:

HB 289 - Revise zoning requirements for economic development districts - Rep. Edward Greef
HB 334 - Generally revise laws applicable to county government - Rep. Rob Cook
HB 366 - Revise county district court clerk and justice of peace compensation laws - Rep. Geraldine Custer
HB 461 - Revise salary for certain justice positions - Rep. Steve Lavin

EXECUTIVE ACTION TAKEN:

Comments:



SEN. Janna Taylor, Chair

MONTANA STATE SENATE
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE: 3-9-2015

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JANNA TAYLOR, CHAIRMAN	✓	
SENATOR ED BUTTREY, VICE CHAIR		✓
SENATOR JP POMNICHOWSKI, MVCH	✓	
SENATOR DICK BARRETT	✓	
SENATOR MARY MCNALLY	✓	
SENATOR SCOTT SALES	✓	
SENATOR BRUCE TUTVEDT	✓	
SENATOR GORDON VANCE	✓	
SENATOR GENE VUCKOVICH	✓	

MONTANA STATE SENATE

SENATE LOCAL GOVERNMENT COMMITTEE

Monday, March 9, 2015

HB 334 - Generally revise laws applicable to county government

Sponsor: **Rep. Rob Cook**

PLEASE PRINT

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

SENATE LOCAL GOVERNMENT COMMITTEE

Monday, March 9, 2015

HB 366 - Revise county district court clerk and justice of peace compensation laws

Sponsor: Rep. Geraldine Custer

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

Visitors Register

SENATE LOCAL GOVERNMENT COMMITTEE

Monday, March 9, 2015

HB 289 - Revise zoning requirements for economic development districts

Sponsor: **Rep. Edward Greef**

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE LOCAL GOVERNMENT COMMITTEE

Sponsor: **Rep. Steve Lavin**

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana Association of Counties Date: 3-9-15
Bill No. HB 289*Serving Montana Counties Since 1909*

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(406) 449-4360 Fax (406) 442-5238

www.mtcounties.org

March 13, 2015

Chair Taylor and Members of the Senate Local Government Committee

I am writing to respectfully request you reconsider your action to table House Bill 289 (Greef) on March 11, 2015.

Following the hearing held on March 9, 2015 I had time to consider the questions and testimony presented and believe the real point of the bill was overlooked.

If we step back and ask the fundamental question of "why is any zoning requirement included in the creation of a Targeted Economic Development District (TEDD)?", the obvious answer is that there has to be an assurance that the property included in the TEDD can be used for the purposes of the TEDD to support value-adding economic development projects. It would defeat the entire purpose of the TEDD if incompatible uses were allowed. Businesses locating in a TEDD need assurance that they are not subject to nuisance complaints from other property owners and that they can carry out their business activities.

If you accept the premise that the purpose of the area being zoned is to assure the property can be used for the purposes of the TEDD, the second question becomes "why would it make any difference how the zoning was initiated?"? It shouldn't.

County zoning may be initiated by the property owners in the area to be zoned under 76-2-101, (Part 1 zoning).

County zoning may also be initiated by the County Governing Body under 76-2-201 (Part 2 zoning)

Municipal zoning may be initiated by the municipal governing body under 76-2-301.

A Growth Policy is a pre-requisite to Part 1 and Part 3 zoning, but is not a pre-requisite to Part 1 – property owner initiated zoning, so it is only logical that statute acknowledge this difference in the creation of a TEDD if the objective is to assure the property can be used for the purposes of the TEDD in the first place.

That is all House Bill 289 does. It should make absolutely no difference how the zoning is initiated, just that the area is zoned according to the purposes of the TEDD.

Please reconsider your action and concur with House Bill 289

Sincerely,

L Harold Blattie
Executive Director

HOUSE BILL NO. 289

INTRODUCED BY E. GREEF

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ZONING REQUIREMENTS FOR TARGETED ECONOMIC DEVELOPMENT DISTRICTS; ALLOWING PROVISIONS ADOPTED THROUGH ZONING BY PETITION TO FULFILL THE ZONING REQUIREMENTS FOR CREATION OF A TARGETED ECONOMIC DEVELOPMENT DISTRICT; AND AMENDING SECTION 7-15-4279, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-15-4279, MCA, is amended to read:

"7-15-4279. Targeted economic development districts. (1) A local government may, by ordinance and following a public hearing, authorize the creation of a targeted economic development district in support of value-adding economic development projects. The purpose of the district is the development of infrastructure to encourage the location and retention of value-adding projects in the state.

(2) A targeted economic development district:

(a) must consist of a continuous area with an accurately described boundary that is large enough to host a diversified tenant base of multiple independent tenants;

(b) must be zoned; ~~for use in accordance with:~~

~~(i) the area growth policy, as defined in 76-1-103; or~~

~~(ii) the development pattern and zoning regulations or the development district adopted under Title 76, chapter 2, part 1;~~

(i) FOR USES BY A LOCAL GOVERNMENT UNDER TITLE 76, CHAPTER 2, PART 2 OR 3, IN ACCORDANCE WITH THE AREA GROWTH POLICY, AS DEFINED IN 76-1-103; OR

(ii) IF A COUNTY HAS NOT ADOPTED A GROWTH POLICY, THEN FOR USES IN ACCORDANCE WITH THE DEVELOPMENT PATTERN AND ZONING REGULATIONS OR THE DEVELOPMENT DISTRICT ADOPTED UNDER TITLE 76, CHAPTER 2, PART 1;

(c) may not comprise any property included within an existing tax increment financing district;

(d) must, prior to its creation, be found to be deficient in infrastructure improvements as stated in the resolution of necessity adopted under 7-15-4280;

(e) must, prior to its creation, have in place a comprehensive development plan adopted by the local

1 governments that ensures that the district can host a diversified tenant base of multiple independent tenants; and
2 (f) may not be designed to serve the needs of a single district tenant or group of nonindependent tenants.

3 (3) The local government may use tax increment financing pursuant to the provisions of 7-15-4282
4 through 7-15-4294 for the targeted economic development district. If the local government uses tax increment
5 financing, the use of and purpose for tax increment financing must be specified in the comprehensive
6 development plan required in subsection (2)(e).

7 (4) For the purposes of 7-15-4277 through 7-15-4280:

8 (a) "secondary value-added products or commodities" means products or commodities that are
9 manufactured, processed, produced, or created by changing the form of raw materials or intermediate products
10 into more valuable products or commodities that are capable of being sold or traded in interstate commerce;

11 (b) "secondary value-adding industry" means a business that produces secondary value-added products
12 or commodities or a business or organization that is engaged in technology-based operations within Montana
13 that, through the employment of knowledge or labor, adds value to a product, process, or export service resulting
14 in the creation of new wealth."

15

- END -